

CONNECTICUT GENERAL ASSEMBLY

February Session, 2012

**Raised Bill No. 5363**

**An Act Concerning Interviews of Children by the Department of Children & Families  
During Investigations of Child Abuse & Neglect**

Referred to the Judiciary Committee

REMARKS OF ATTY. MICHAEL H. AGRANOFF

Law Offices of M.H. Agranoff

99 Stafford Road

Ellington, CT 06029

Tel: 860-872-1024

Fax: 860-871-1015

EM: [AttyMikeA@agranofflaw.com](mailto:AttyMikeA@agranofflaw.com)

Web Site: [www.agranofflaw.com](http://www.agranofflaw.com)

Thank you for the opportunity to submit written testimony. I have been a DCF defense lawyer since 1991. At present, ours is the only law firm in the State of Connecticut providing full-service DCF defense to private-paying adults on a full-time basis.

THE NATURE OF THIS BILL

C.G.S. Sec. 17a-101h is innocent enough. It states that DCF must obtain the consent of a parent or guardian before interviewing a child in a child abuse/neglect investigation.

However, such consent is not required if DCF has reason to believe that a parent or guardian is responsible for the abuse.

DCF Social workers simply define any investigation as “abuse” or “possible abuse”, and sought to interview the child without the parent’s consent. This was often done in schools, sometimes with a uniformed police officer present, and with no advisement to the parent that the interview was taking place. The child, who was often frightened, might be asked if the parents argued too much, or drank too much, or what disciplinary measures were used; even if no actual “abuse” were suspected. The situation is summarized on our web site, under the heading “When DCF talks to Your Kid Secretly.”

There was **no penalty** for violation of the statute. Therefore, our office has sought to have the statute revised, to clarify that abuse and neglect are different, and to require DCF to provide its reasons for believing that family abuse was suspected.

Raised Bill 5363, at its core, requires that DCF provide a compelling reason for speaking to a child without the consent of the parent or guardian.

#### WE SUPPORT THIS BILL

If the bill passes, we intend to follow-up to ensure that DCF revises its investigative procedures and communicates these to field investigators.

The bill also states that if consent is not required, then the interview should be conducted in the presence of a disinterested adult – who is not personally involved in the allegation under investigation -- unless that is not possible for safety reasons. We note that school personnel, who are mandated reporters, and the primary source of credible DCF referrals, are hardly “disinterested adults” in any meaningful sense of the term.

Respectfully Submitted,

MICHAEL H. AGRANOFF

Attorney At Law